

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIGEL FREDRICKS,

Petitioner,

-against-

WARDEN RENIE, G.R.V.C.,

Respondent.

21-CV-8586 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Nigel Fredricks is proceeding *pro se*. On November 22, 2021, the Court received from Petitioner an amended petition for a writ of *habeas corpus* under 28 U.S.C. § 2254. Because the amended petition challenged the legality of Petitioner's pretrial detention rather than his custody pursuant to a state court judgment, by order dated December 6, 2021, the Court determined that the proper vehicle for Petitioner's challenge was a petition for a writ of *habeas corpus* under 28 U.S.C. § 2241. The Court therefore granted Petitioner 30 days' leave to file a second amended Section 2241 petition in order to identify all grounds on which he seeks relief and to plead facts showing that he has fully exhausted each of his claims. (ECF 6.) The Court's order further stated that if Petitioner fails to respond and does not file a second amended Section 2241 petition, the Court will dismiss the Section 2254 petition without prejudice because Petitioner is not seeking relief from a state court judgment.

On December 16, 2021, the Court received a letter from Plaintiff, which was dated December 10, 2021, and in which Petitioner seeks an extension of time to file a second amended petition. The Court grants Petitioner's request for an extension of time. If Petitioner wishes to proceed with a Section 2241 petition, he must, within 30 days of the date of this order, file a second amended Section 2241 petition in order to: (1) identify all of the grounds on which he

seeks relief; and (2) plead facts showing that he has fully exhausted his claims by presenting the grounds for relief to the state courts. If Petitioner fails to respond and does not file a second amended Section 2241 petition, the Court will dismiss this Section 2254 petition without prejudice because Petitioner is not seeking relief from a state court judgment.

CONCLUSION

The Court grants Petitioner's request for an extension of time to comply with its December 6, 2021 order to amend. (ECF 9.)

If Petitioner wishes to proceed with a petition under 28 U.S.C. § 2241, he must file a second amended petition for a writ of *habeas corpus* under Section 2241 that: (1) identifies the grounds on which he seeks relief; and (2) pleads facts showing that he has fully exhausted his claims by presenting the grounds for relief to the state courts. The second amended petition for a writ of *habeas corpus* under Section 2241 must be submitted to the Court's Pro Se Intake unit within 30 days of the date of this order and bear the docket number 21-CV-3690 (LTS). If Petitioner fails to respond and does not file an amended Section 2241 petition, the Court will dismiss this Section 2254 petition without prejudice because it does not seek relief from a state court judgment.

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: December 20, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge